

BRACEWELL

June 29, 2018

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Ciminelli, S2 16 Cr. 776 (VEC)

Dear Judge Caproni:

We would ask that you add the attached instruction to Mr. Ciminelli's proposed "defense theory" instruction.

Respectfully submitted,

/s/ Paul Shechtman

Paul Shechtman
Partner

Spencer Durland
Hodgson Russ LLP

PS/SD:wr
Enclosure

Paul Shechtman
Partner

T: +1.212.508.6107 F: +1.800.404.3970
1251 Avenue of the Americas, 49th Floor, New York, New York 10020-1100
paul.shechtman@bracewell.com bracewell.com

Supplemental Request to Charge

The charges in this case require proof that Mr. Ciminelli “secretly tailored” the Buffalo RFP or aided Dr. Kaloyerros to “secretly tailor” the RFP, so that LPCiminelli would be favored to win in the selection process for the contract. Evidence that Mr. Ciminelli received a draft RFP ahead of time (*i.e.*, before its formal release date), is not sufficient to prove the charges.